

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DARRELL HAYNES,
Plaintiff,
v.
W. L. MUNIZ,
Defendant.

Case No. [16-cv-05038-JSC](#)**ORDER OF TRANSFER**

Re: Dkt. Nos. 2, 5

Petitioner is a state prisoner currently incarcerated at Salinas Valley State Prison in Soledad, California. He has filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging his conviction in Los Angeles County Superior Court.

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district where the petition is filed may transfer the petition to the other district in the furtherance of justice. *Id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 768 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

Los Angeles County, where Petitioner was convicted, lies within the venue of the Central District of California. *See* 28 U.S.C. § 84. Accordingly, in the furtherance of justice, this action is

1 TRANSFERRED to the United States District Court for the Central District of California.
2 Petitioner's application for leave to proceed in forma pauperis and motion for appointment of
3 counsel are deferred to the Central District. The Clerk of the Court shall administratively
4 terminate these motions from this Court's docket and transfer this matter forthwith.

5 **IT IS SO ORDERED.**

6 Dated: November 9, 2016

7
8 
9 JACQUELINE SCOTT CORLEY
United States Magistrate Judge

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DARRELL HAYNES,
Plaintiff,

v.

W. L. MUNIZ,
Defendant.

Case No. [16-cv-05038-JSC](#)

CERTIFICATE OF SERVICE

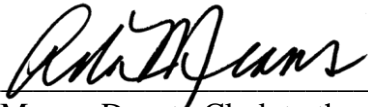
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 9, 2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Darrell Haynes ID: G-59394
Salinas Valley State Prison B-1-125
P.O. Box 1050
Soledad, CA 93960-1050

Dated: November 9, 2016

Susan Y. Soong
Clerk, United States District Court

By: 
Ada Means, Deputy Clerk to the
Honorable JACQUELINE SCOTT CORLEY